

**ARIZONA PEACE OFFICER STANDARDS AND TRAINING BOARD
MINUTES OF MEETING
JANUARY 17, 2007
PHOENIX, ARIZONA**

A public meeting of the Arizona Peace Officer Standards and Training Board was convened on January 17, 2007, at AZ POST, located at 2643 E. University Drive, Phoenix, AZ.

Members Present:

Sheriff Gary Butler, Chairman
Mr. Joseph Duarte
Chief Jack Harris
Chief Patricia Huntsman
Deputy Director Steven Ickes, representing Director Dora Schriro
Ms. Wendy Larsen
Dr. Michael Polakowski
Corporal Brandee Ralston
Chief Jerry Sheridan
Detective Robert Thompson
Director Roger Vanderpool

Members Absent:

Sheriff Clarence Dupnik
Attorney General Terry Goddard

Staff in Attendance:

Harry Atkins
Ted Brandon
Marie Dryer
Rosalee Fitch
Ed Felix
Bob Forry
Tom Hammarstrom
Steve Jacobs
Gary Maschner
Lyle Mann
Curt Milam
Toye Nash
Sandy Sierra
Maria Valtierra

Rick Watling

Assistant Attorney General
Diana Stabler

A. CALL TO ORDER

Chairman Butler called the meeting to order at 10:02 a.m.

B. CONSENT AGENDA

The Consent Agenda was approved unanimously, motion made by Chief Sheridan, seconded by Chief Huntsman.

1. Minutes of the Regular Board meeting, held on November 15, 2006, were approved as written.
2. Minutes of the Charging Board meeting, held on December 13, 2006, were approved as written.
3. The next scheduled Charging Board meeting is Wednesday, February 21, 2007, at 10:00 a.m. at AZ POST, located at 2643 E. University Drive, Phoenix, AZ.

The next scheduled Regular Board meeting is Wednesday, March 21, 2007, 10:00 a.m. at AZ POST, located at 2643 E. University Drive, Phoenix, AZ.

4. Ministerial Actions:
 - a. Certification Waivers: LIST ATTACHED TO AGENDA PACKET.
 - b. Instructor Certification Renewals: LIST ATTACHED TO AGENDA PACKET.
 - c. Training Program Confirmations: LIST ATTACHED TO AGENDA PACKET.
5. Decertification Case Status Report

6. Income and Expense Statement – November 2006

Funds as of November 1, 2006	\$ 1,738,290.59
CJEF Revenue	554,793.63
Expenditures/Encumbrances	(378,964.70)
Balance for November 30, 2006	\$ 1,914,119.52

C. REGULAR AGENDA

1. Avondale Police Department Petition on Behalf of Daniel K. Perry
The Avondale Police Department is petitioning the Board to determine that the steroid usage by police recruit Daniel K. Perry was experimental. Applicant Perry, age 34, admits to using one cycle of the steroid Winstrol when he was 24 years of age.

This is the first time that cycled steroid usage has been petitioned. Staff does not make recommendations on these cases. It is the Board's discretion whether or not this falls under the experimentation rule.

Chief Kotsur, Avondale Police Department, addressed the Board to petition on behalf of Mr. Perry.

After a brief discussion on this item, Mr. Duarte moved to grant the petition for a determination that the pre-employment steroid usage by Daniel K. Perry was experimental, seconded by Chief Harris, motion carried with one nay vote.

2. Proposed Legislation Impacting AZ POST
Director Vanderpool recused himself from this matter.

Mr. Dale Norris, Executive Director of the Arizona Police Association, submitted a bill that his association is intending to run in the next legislative session. The proposed legislation would remove the authority to suspend, revoke or cancel peace officer certification from the full Board, and place that authority with a newly created "Arizona peace officer standards appeal commission." This commission would be comprised of seven Board members.

After a brief discussion in which the majority of the Board felt that the current structure of the Board is working appropriately and a new commission was not needed, the Board directed staff to oppose this legislation.

Dr. Polakowski moved to direct staff to oppose this legislation, seconded by Chief Huntsman, motion carried unanimously.

D. LEGISLATIVE UPDATE

Director Hammarstrom addressed the Board regarding HB 2339. This bill, if passed, will allow full authority peace officers of the Department of Corrections to receive POST financial support from the Peace Officers' Training Fund.

Dr. Polakowski moved to direct staff to support HB 2339, seconded by Chief Sheridan, motion carried unanimously.

Deputy Director Mann informed the Board of current bills going through the legislature.

E. SUMMARY OF CURRENT EVENTS

Director Hammarstrom informed the Board that the POST building was in disarray due to a water line break. Repairs are currently underway. Another item of interest is the upcoming change in commanders at ALEA. Commander Dean Nyhart will be leaving ALEA and returning to DPS and Commander Harry Markley from the Phoenix Police Department will replace him.

F. COMMITTEE UPDATE

No committee updates this month.

G. REPORTS

1. Basic Training

ALEA – Lt. Danny Golden reported they currently have four classes representing 18 agencies for a total of 191 recruits. They are currently doing some upgrades to the campus.

COTA – Commander Branch reported they have graduated 255 cadets since the last meeting. They currently have 202 cadets attending. They are graduating 8.5 out of every 10 cadets. So far in FY07, they have graduated 603 officers. COTA continues to offer its facilities to other agencies. They also recently graduated a canine academy.

MCSO – Lt. Mike Mitchell reported that in 2006 they graduated four classes with 103 recruits. The attrition rate in 2006 was 17%. They

have opened their academy to other agencies. In 2006, 47 recruits were from other agencies. They are currently working on new range project and will be asking POST for a grant to help fund this range.

Mesa P.D. Lt. Mark Wesselman reported they currently have 40 recruits that are scheduled to graduate on March 23. All 40 recruits are from Mesa P.D. On February 23 another class will start. This will be the first time that they have overlapping academies. They will have 25 Mesa recruits in that class and six recruits from Apache Junction.

SALETC – Commander Kevin Lane reported they currently have 51 recruits that are due to graduate in February representing nine agencies. 21 recruits started in December representing six agencies. Another class will start February 26. Past year attrition rate declined from nearly 30% to 11-20%.

3. Department of Corrections – Mr. Ickes reported that DOC has launched a new generation of advertisement and this has been successful. COTA classes are full, vacancy rates are dropping. Vacancy and retention are still sensitive issues in the rural areas.
4. Arizona Regional Community Policing Institute – Sgt. Jim DeLung reported on the Leadership and Police Organization Program. LPO Class #1 is being held in Phoenix with 32 students representing 14 agencies; they are in their third week. The critiques have outstanding. LPO Class #2 will be held in Flagstaff, week one starts in mid February. LPO Class #3 will be held in the Tucson/Marana area with 33 students representing ten agencies. They are getting great notoriety from this program.

H. FINAL ACTION CASES:

Case #1 – Joseph R. Cava - Buckeye P.D.

The Board considered comments from Assistant A. G. Diana Stabler. Chief Sheridan made a motion to dismiss this case, seconded by Director Vanderpool, motion carried unanimously.

Case #2 – Barton Hosteen - Navajo Department of Law Enforcement

The Board considered comments from Assistant A. G. Diana Stabler. Mr. Duarte made a motion to adopt the Consent Agreement Order and Decision for a one year suspension beginning on November 9, 2006, and ending on November 8, 2007, seconded by Chief Huntsman, motion carried with one nay vote.

Case #3 – Curt J. Lawrence - Show Low P.D.

The Board considered comments from Assistant A. G. Diana Stabler. Chief Sheridan made a motion to adopt the Consent Agreement Order and Decision for a six month suspension beginning on October 17, 2005, and ending on April 17, 2006, seconded by Ms. Larsen, motion carried unanimously.

Case #4 – Jeremy D. Odom - Phoenix P.D.

Chief Harris recused himself from this case. The Board considered comments from Assistant A. G. Diana Stabler. Chief Huntsman made a motion to adopt the Consent Agreement Order and Decision for voluntary relinquishment, seconded by Corporal Ralston, motion carried unanimously.

Case #5 – James R. Chance - El Mirage P.D.

The Board considered comments from Assistant A. G. Diana Stabler. Director Vanderpool made a motion to adopt the Findings of Fact and Conclusions of Law and revoke certification, seconded by Chief Harris, motion carried unanimously.

Case #6 – Chad M. Goulding - Phoenix P.D.

Chief Harris recused himself from this case. The Board considered comments from Assistant A. G. Diana Stabler. Chief Huntsman made a motion to adopt the Findings of Fact and Conclusions of Law and revoke certification, seconded by Dr. Polakowski, motion carried unanimously.

Case #7 – Jay H. Patterson - Phoenix P.D.

Chief Harris recused himself from this case. The Board considered comments from Assistant A. G. Diana Stabler. Director Vanderpool made a motion to adopt the Findings of Fact and Conclusions of Law and revoke certification, seconded by Dr. Polakowski, motion carried unanimously.

Case #8 – Demanuel Yazzie - Ft. McDowell Tribal P.D.

The Board considered comments from Assistant A. G. Diana Stabler and Demanuel Yazzie. Chief Harris made a motion to adopt the proposed Findings of Fact and proposed Conclusions of Law and suspend certification for three months beginning on September 13, 2006, and ending on December 13, 2006, seconded by Chief Sheridan, motion carried with two nay votes.

I. NEW CHARGING CASES:

Before starting the new cases, Assistant Attorney General Diana Stabler addressed the Board regarding consent agreements.

Case #1 – Jeremiah Apachito - Navajo Department of Law Enforcement
Chief Huntsman made a motion to **Initiate Proceedings**, seconded by Dr. Polakowski, motion carried unanimously.

Case #2 – Jeffrey W. Avery - Cochise County Sheriff's Office
Chief Sheridan made a motion to close this case with **No Action**, seconded by Deputy Director Ickes, motion carried with one nay vote.

Case #3 – Roman M. Brambila - Cochise County Sheriff's Office
Director Vanderpool made a motion to close this case with **No Action**, seconded by Dr. Polakowski, motion carried unanimously.

Case #4 – Delfina L. Clarey - Clifton P.D.
Chief Huntsman made a motion to **Initiate Proceedings**, seconded by Chief Sheridan, motion carried unanimously.

Case #5 – Wayne Delowe - Gila River P.D.
Corporal Ralston recused herself from this case. Chief Harris made a motion to **Initiate Proceedings**, seconded by Chief Huntsman, motion carried unanimously.

Case #6 – Jerry P. Evanston - Fort Mohave Tribal P.D.
Mr. Duarte made a motion to **Initiate Proceedings**, seconded by Corporal Ralston, motion carried unanimously.

Case #7 – Sean M. Fitzpatrick - Maricopa County S.O.
Chief Sheridan recused himself from this case. Chief Huntsman made a motion to close the case with **No Action**, seconded by Dr. Polakowski, motion carried unanimously.

Case #8 – Bruce G. Garcia - Tohono O'Odham Tribal P.D.
Dr. Polakowski made a motion to **Initiate Proceedings**, seconded by Mr. Duarte, motion carried unanimously.

Case #9 – Todd E. Greene - Pima County S.O
Director Vanderpool made a motion to **Initiate Proceedings**, seconded by Chief Huntsman, motion carried unanimously.

Case #10 – Wallace L. Kenney Jr. - Central Arizona College P.D.
Director Vanderpool and Corporal Ralston recused themselves from this case. Chief Sheridan made a motion to take **No Action with Agency Discretion**, seconded by Chief Huntsman, motion carried unanimously.

Case #11 – Victor D. Kingsley - Maricopa County S.O.

Chief Sheridan and Mr. Duarte recused themselves from this case. Dr. Polakowski made a motion to **Initiate Proceedings**, seconded by Director Vanderpool, motion carried unanimously.

Case #12 – Daniel J. Norton - Sedona P.D.

Dr. Polakowski made a motion to **Initiate Proceedings**, seconded by Chief Sheridan, motion carried unanimously.

Case #13 – Steven D. Sachak - Payson P.D.

Chief Sheridan made a motion to **Initiate Proceedings**, seconded by Deputy Director Ickes, motion carried unanimously.

Case #14 – Michael C. Zier - Casa Grande P.D.

Corporal Ralston recused herself from this case. Director Vanderpool made a motion to take **No Action with Agency Discretion**, seconded by Chief Huntsman, motion carried unanimously.

J. CALL TO THE PUBLIC

Mr. Mike Palmer addressed the Board during the call to the public. He requested the Board consider not allowing agency chiefs to come before the Board to petition for leniency for their officer.

K. ADJOURN

Chairman Butler adjourned the meeting at 12:26 p.m.

Dated: January 25, 2007

Sandra L. Sierra, Recording Secretary

Minutes approved as written.

Gary Butler, Chairman